

UNITED STATES COAST GUARD

Address Reply to:
COMMANDANT
U. S. Coast Guard
Headquarters
Washington 25, D. C.

11 July, 1950
File: GH6-2/4
(M/B 10V61 (JACTO)
a-3 Bl.)

From: Chief, Merchant Vessel Inspection Division
To: Commandant
Via: Chief, Office of Merchant Marine Safety

Subj: Motorboat 10V61 (JACTO); swamping in Shark River Inlet, New Jersey,
30 May, 1950, with loss of life.

1. Pursuant to the provisions of Title 46 C.F.R. Part 136, the record of the Marine Board convened to investigate subject casualty, together with its Findings of Fact, Conclusions and Recommendations, has been reviewed and is forwarded herewith.

2. The motorboat 10V61 (JACTO), a converted 26' self bailer with a raised deck forward, powered by a 25 HP gasoline engine, was privately owned and used for pleasure purposes on inland waters and off the coast of New Jersey. On the morning of 30 May, 1950, the motorboat 10V61 (JACTO) with four persons on board, was proceeding through the Shark River Inlet to sea at a speed of 3-4 knots and when part way through the inlet, a swell caused her to broach, lay on her beam ends and catapult all persons on board into the sea. At the time of this casualty, the wind was northwest, force 1-2, ebb tide at approximately 2 knots, visibility 2-3 miles with a small to moderate swell breaking in the mouth of the inlet.

3. As a result of this casualty, the following three persons lost their lives:

Orvil Stillwell, 8th Avenue, Belmar, New Jersey
Nick Callan, Sr., Eagle Rock Avenue, West Orange, New Jersey
Nick Callan, Jr., Eagle Rock Avenue, West Orange, New Jersey

4. The Board made the following Findings of Fact:

"(1) The motorboat 10V61 is a wooden, clincher built, double ended vessel, approximately 26' x 8' x 2-1/2'. She is owned and was operated by Charles J. Nabbe, Jr., of 1814 World Street, Belmar, N. J. She is powered by a 25 HP, 4 cylinder, gasoline Universal engine. The JACTO is under tonnage, not subject to inspection, and is a converted 26' self bailer with a raised deck forward. The self bailing feature has been eliminated.

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(2) The 10V61 (JACTO) set out from a dock well up the Shark River, at about 1000 on 30 May, 1960, with Mr. Habbe in charge of the running of the boat. He had with him three male passengers who were non-paying guests, his partner - Mr. Dick Callan, Sr., age 38; Nick Callan, Jr., age 16; and Mr. David Stillwell, age 36. Mr. Stillwell had been afflicted with infantile paralysis and was wearing an estimated five pounds of braces and straps. The weather at the time was good, wind Force 1-2, tide ebbing at approximately two knots, visibility 2-3 miles, and a small to moderate swell was breaking in the mouth of the inlet.

(3) The motor was turning over at slow speed, 3-4 knots, as the boat came down the Shark River and headed for the inlet and the ocean. Mr. Habbe was at the wheel and his guests were leaning against the forward bulkhead of the cockpit. As the boat approached the entrance it slowed as it met the incoming swells, though the engine was not slowed by Mr. Habbe and was turning over at just about stowage way or better. The operator, Mr. Habbe, seems to have been unaware of what was happening to his boat, as he states that he remembers only that the starboard side of the boat rose very rapidly and that the next thing he knew, he was thrown into the water over the port side, as were all the other occupants. Eye-witnesses stated that the boat seemed to stop as it met one of the larger swells and then pitched broadside to port and then went over on her port beam into the next swell. The boat shipped enough water to cover the floorboards and stop the engine, but she righted herself and drifted out of the inlet into the comparatively calm ocean.

(4) When the four men in the boat went over the side, the Callans and Mr. Stillwell were in a group together and Mr. Habbe was a short distance away. Mr. Habbe swam towards the boat but was unable to reach it, and when he saw that he could not reach the north jetty either, he floated on his back until he was rescued. He does state that he heard one of the other three men call but is not certain of the import of the cry. Witnesses indicated that young Callan became panicky and was assisted in remaining afloat by the other two men. However, when help arrived on the scene about five minutes after the accident, they were apparently drowned and their bodies have not as yet been recovered.

(5) The lookout in the Coast Guard tower stated that he saw the boat head out between the jetties and that he turned to log it out in his book. He was writing in the log when he received a call from the bridge that a boat had turned over in the inlet and people were in the water. The lookout was of the opinion that the weather was very favorable and that the surf at the entrance was very moderate. He immediately called the Officer in Charge of the Shark

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River Lifeboat Station, Boatswain William J. Sturgis, who, with two other men attached to the station, jumped into a jeep, drove to the boat basin and proceeded to the scene in Motor Lifeboat 36442. The boat arrived on the scene in about five minutes from the time of report of the accident and picked up Mr. Nabbe who was floating on his back. Search for the other three men was unsuccessful. The JACTO was recovered, the water in the bilge pumped out, and she was towed back into the inlet and later hauled out.

(6) Examination of the JACTO showed that the required equipment was aboard and that the boat would probably have passed inspection for her type had she been picked up underway in the day-time. Beyond the minimum requirements, however, the boat was poorly equipped and in a marginal condition.

(7) The names of the persons lost and their addresses are as follows:

Orvil Stillwell, 8th Avenue, Belmar, New Jersey
Nick Callan, Sr., Eagle Rock Avenue, West Orange, New Jersey
Nick Callan, Jr., Eagle Rock Avenue, West Orange, New Jersey

(8) Witnesses interviewed are as follows:

Charles J. Nabbe, Jr., Owner, M/B JACTO
Walter Veron, Bridge Tender, Avon, New Jersey
William J. Sturgis, Boatswain, USCG
Dr. Paul Milich, Avon, New Jersey
Sewell T. Hulse, BM, USCG
Harry W. Krieger, SN, USCG

5. The Board made the following Conclusions:

"(9) (a) The 10V61 (JACTO) was basically a sound and seaworthy boat. Her condition and the installation of her gasoline supply left a lot to be desired, but there should have been no difficulty in the actual passage of the boat out of the inlet under the conditions obtaining on 30 May, 1950, at 1015 or thereabouts.

(b) Mr. Nabbe seems to be a poor boatman at best, and his inability to recall the events which transpired in the seconds preceding the near-capsizing of the boat is probably due to confusion on his part as to what actually took place. He was careful to stress the slow speed of the boat and it seems that this slow speed, which resulted in loss of steerageway, probably was the reason the

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boat was sheered so violently to port, permitting the next sea to nearly capsize her and to throw all her occupants overboard. The engine may have stalled before the water came aboard but in any event the water which partially filled the boat would have accomplished this if it had not previously occurred.

(c) Boatswain Sturgis acted promptly and efficiently in going to the scene and his appearance with a fully manned boat at the mouth of the inlet within five minutes of the occurrence is worthy of favorable comment.

(d) No unfavorable inference is to be drawn from the fact that the lookout on duty in the tower did not actually observe the boat as she near-capsized, as it was reasonable to assume that she would easily pass through the inlet under the existing conditions, and he was then occupied in logging her passage. In passing, it must be noted that the lookout is too far from the inlet to clearly see what is going on when boats are passing through it.

(e) There was no failure of inspected equipment or material in this casualty, nor did any Coast Guard personnel or any representative or member of any Government agency contribute in any way to this loss of life."

6. The Board made the following Recommendations:

"(a) There is no reason or grounds for action under the Negligent Navigation Statute against Mr. Nabbe, and no action against him by the United States Attorney is recommended.

(b) It is recommended that the new lookout tower, which has been erected, be placed in service as soon as possible due to the much better visibility afforded the lookout from that location.

(c) It is recommended that no further action be taken and the case be closed."

REMARKS

7. Following approval by the Commandant, it is recommended that the record of subject casualty be referred to the Office of Operations for such action as may be deemed appropriate with respect to recommendation (b) of the Board.

8. The Board neglected to submit two original copies of the record of subject investigation as required by Section 7-3-9 D (2) of the Merchant Marine Safety Manual.

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9. Subject to the foregoing remarks, it is recommended that the Findings of Fact, Conclusions and Recommendations of the Marine Board of Investigation be approved.

EDW. C. CLEAVE
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From: Chief, Office of Merchant Marine Safety
To: Commandant

Forwarded, recommending approval.

H. C. SHEPHEARD
H. C. SHEPHEARD

APPROVED: 26 July 1950

MERLIN O'NEILL
MERLIN O'NEILL
Vice Admiral, U. S. Coast Guard
Commandant